

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS, INC., et al.,

Plaintiff(s),

v.

GEORGE A. WHITING PAPER  
COMPANY, et al.,

Defendant(s).

STATUS CONFERENCE

Case No. 08-C-16

HONORABLE WILLIAM C. GRIESBACH, presiding  
Deputy Clerk: Cheryl  
Proceeding Held: March 30, 2011

Tape: 033011  
Hearing Began: 10:37 a.m.  
Hearing Ended: 11:35 p.m.

**Appearances:**

**Plaintiff(s):** Michael Hermes, Heidi Melzer, Brandon Evans, Ericka Krumrie, Ronald Ragatz, Dennis Birke and Megan Senatori for Appleton Papers  
Kathleen Roach, Evan Westerfield, Eric Ha, Evan Chesler and Darin McAtee for NCR Corporation

**Defendant(s):** David Mandelbaum for PH Glatfelter  
Ted Waskowski and Richard Yde for the City of Appleton  
Ted Warpinski for the City of Green Bay  
Linda Benfield for Kimberly-Clark  
William Mulligan for Neenah-Menasha Sewerage District  
Phillip Hunsuker and David Rabbino for Menasha Corporation  
Terry Nilles for CBC Coatings  
Thomas Gottshall for U.S. Paper Mills  
Mary Rose Alexander and Karl Lytz for Georgia-Pacific  
Joshua Levin for U.S. Corp of Army Engineers  
Dan Murray for NewPage Wisconsin Systems, Inc.  
Nancy Peterson, Peter Karegeannes and William Harbeck for WTM I Comapany

**Telephone Appearances:** Michelle Gale for Proctor & Gamble  
Patrick Wells for Green Bay Packaging  
John Cermak and Sonja Inglin for International Paper  
Sara Slack for Kimberly-Clark  
Russell Wilson for Leicht Transfer & Storage  
Monique Mooney for P.J. Glatfelter  
Matthew Oakes and Randy Stone for U.S. Corp. of Army Engineers  
Marc Davies for PH Glatfelter  
Ian Pitts for Brown County

The Court puts case status on the record and remaining issues on the merits.

The Court inquires as to how to address the resolution of the last piece of the case, if more discovery is necessary, or can the matter be addressed by motion practice or will it need to proceed to trial?

10:41 a.m. - David Mandelbaum relays the status of OU 1. The defendants believe that no additional fact discovery among the parties is necessary. It will be necessary for some expert reports and opinions be prepared.

10:43 a.m. - Kathleen Roach states the parties disagree on discovery issues. Additional discovery and motion practice is necessary on outstanding claims/issues and insurance issues. In regard to the arranger issue additional discovery is also necessary, possibly 20-25 depositions on this issue and it is unknown as to how many depositions will be needed with respect to the insurance offset issue.

10:49 a.m. - The Court and Attorney Roach discuss counterclaims.

The parties have exchanged proposed scheduling and anticipate close of fact discovery to be approximately December 2, 2011.

10:53 a.m. - David Mandelbaum states there will be additional discovery necessary to resolve the insurance issues but the parties disagree on the discovery cut-off date and does not want any accommodation to the plaintiffs to take more time for discovery to be viewed in support of their motion for separate judgment.

10:59 a.m. - Joshua Levin addresses the discovery issues and requests the Court allow the government be involved in scheduling.

11:03 a.m. - David Mandelbaum responds.

11:05 a.m. - Phillip Hunsuker responds.

11:07 a.m. - The Court questions why scheduling of this matter to conclusion would affect the enforcement action.

11:07 a.m. - Joshua Levin responds.

11:10 a.m. - Evan Chesler addresses the Court regarding the plaintiffs interest in extending dates on remaining issues and Rule 54(b) motion.

11:14 a.m. - Mary Rose Alexander opposes the 54(b) motion. G-P has insurance issue remaining and believes there should not be a significant delay in regard to settlement with respect to G-P.

11:17 a.m. - Mandelbaum requests a trial date.

The Court directs the parties to submit respective proposals regarding scheduling within the next week and opens discovery on the case.

11:21 a.m. - Michael Hermes addresses the Court.

11:21 a.m. - Rose Mary Alexander requests guidance from the Court regarding production of documents.

11:23 a.m. - Kathleen Roach responds to production issue and amount.

The Court directs the parties to submit requests to G-P.

11:26 a.m. - Rose Mary Alexander responds.

11:27 a.m. - 11:34 a.m.- The Court addresses the enforcement action in 10-C-910. See minute entry in case number 10-C-910.

11:35 a.m. - Hearing concluded.